

# Committee on Resources

## Subcommittee on Fisheries Conservation, Wildlife and Oceans

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### Statement

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**TESTIMONY OF  
KARUK TRIBAL WITNESS LEAF HILLMAN  
BEFORE THE HOUSE COMMITTEE ON RESOURCES  
CONCERNING H. R. 2875 TO AMEND  
THE KLAMATH RIVER BASIN FISHER RESOURCES RESTORATION ACT**

May 4, 2000

**Mr. CHAIRMAN** - I am Leaf Hillman, a member of the Karuk Tribe and for the past 10 years have been the Director of the Karuk Department of Natural Resources and Environmental Policy. For much of my life, I have been personally and professionally involved with the Karuk Tribal fishery on the Klamath River. I am honored to testify before the Committee today on the cultural history and management responsibility of the Karuk Tribe of California with respect to their fisheries. As Congressman Herger has testified to the objectives of this legislation, I shall testify to the cultural significance of the Karuk Fishery, as well as provide historic and current information in support of the legislation before the Committee today.

Our fishery is a well-documented ancient fishery of the Karuk people and it is conducted primarily at the falls which is within the Karuk aboriginal territory at *katimin* and *utimin*. The Karuk cultural belief that *katimin* is the center of the universe may be one of our people's most sacred tenets. The ceremonial fishery is a central element to our culture and goes to the essence of life for Karuks. Many of our people believe that eradication of the fishery would mean the end of life for Karuks. It is impossible to separate fishing at the falls from the religious practices of the Karuk people, making the fishery central to all that is Karuk historically, culturally, and ceremonially. Uninterrupted subsistence and ceremonial fishing are the primary reasons the Karuk people have survived as a people with an intact culture.

This legislation is vital to the Karuk people. It will establish federal recognition of the tribe's ceremonial and subsistence fishery, and provide us with a seat on the Klamath Fishery Management Council. These are two very basic recognitions that we desperately need in order to continue our valuable contributions as a federally recognized tribe and resource manager on the Klamath River. As a part of the Klamath Fishery Management Council's adopted Final Plan, the appointment of a Karuk Representative to the Council has been broadly accepted as complementary to the overall management team that composes the Council. Karuk aboriginal hunting and fishing rights are an incident of Indian title and remain in effect until extinguished. Acknowledgment of the Karuk fishing rights will eliminate a long-standing oversight and correctly identify an aboriginal fishery which has continued to exist since time immemorial as a federally protected Indian fishery. Congress never ratified the treaties that were signed by the Karuk Tribe on November 4, 1851, and the aboriginal fishing rights of the Karuk Tribe have neither been ceded by the tribe nor abrogated by Congress.

Although Karuk fishing rights have not previously been addressed by statute or through adjudication, the

continuous practice of the traditional ceremonial and subsistence fishery continues to be acknowledged by the United States Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, the State of California, and other tribes on the Klamath River. The Karuk Tribe is fully recognized as a federal-tribal fishery resource co-management agency within the Klamath River Basin. The tribe has federally appointed representative seats on the Klamath River Basin Fisheries Task Force, the Klamath Restoration Task Force Technical Work Group, the Trinity River Basin Fish and Wildlife Task Force and the Klamath River Basin Inter-Tribal Fish and Water Commission. In addition, the tribe is signatory to a Memorandum of Agreement for Government-to-Government Relationship in the Development of the Klamath Project Operations Plans with the Bureau of Reclamation, the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the other federally recognized Tribes of the Klamath Basin. We are also in the process of a formal Section 7(d) consultation process regarding our incidental take of threatened coho salmon with the National Marine Fisheries Service through the Bureau of Indian Affairs under the Endangered Species Act.

Having a traditional and trust responsibility to manage the fishery resources of the Klamath River, the Karuk Tribe has established restoration and conservation initiatives on the river which are irreplaceable and not offered by any other entity -- Indian or otherwise. For example, we have continued to operate a fish hatchery down river from Ishi-Pishi Falls through the Karuk Fisheries Division. We have reintroduced thousands of new salmon to the river every year for the past 12 years. Established in 1989, after several years of participating in cooperative resource management efforts with the U.S. Fish and Wildlife Service, U.S. Forest Service, California State Department of Fish and Game and the Northern California Indian Development Council, the Karuk Tribal Fisheries Division strives to protect and enhance anadromous fish spawning populations -- primarily chinook -- through fisheries management activities within the Karuk ancestral territory. This Division has established precedence by operating the only hatcheries within the Klamath and Trinity River systems that exclusively utilize wild chinook salmon brood stock. The tribal hatcheries focus efforts towards acceleration and stabilization of the natural spawning populations of locally adapted chinook salmon stocks while preserving the genetic integrity of such populations. The Karuk Tribe maintains 15 years of data concerning captured chinook brood stock, fish released during capture activities, spawning procedures, resulting fertilized egg counts, and total off spring reared at each site and released as yearlings.

In addition to fish rearing, the Karuk Fisheries Division also operates one of three downstream migrant rotary screw traps in the Klamath River watershed. This operation monitors and collects data on seasonal spring and fall juvenile salmonid migrations, averaging in duration of six months annually, depending on seasonal conditions. For the past eight years the Karuk Tribe has also operated and maintained a Water Temperature Monitoring Program, which systematically samples daily and seasonal water temperature conditions throughout the Klamath River Basin from its headwaters at Klamath Lake in Oregon to its confluence with the Pacific Ocean in California. Laboratory analysis of water samples collected at these monitoring stations is conducted in order to investigate water quality conditions, measuring pH levels, presence of hazardous materials, turbidity, water levels and in-stream flow patterns. This analysis isolates changes and identifies possible factors, relating to human activities, affecting mainstem water temperatures. Statistical data collected through this program is utilized in negotiations with agencies in determining suitable water conditions and in-stream flows for the various development stages, return, and natural spawning for fish at 13 sites along the Klamath River. This data is conveniently retrievable from a database for information aggregation reporting and analysis.

As the Karuk Fisheries Division continues to grow, the Tribe also addresses additional environmental issues

affecting the success of fisheries restoration and recovery efforts through the establishment of its Watershed Restoration Division. This Division collaborates with federal, state and local agencies to identify and prioritize sites along forest road systems, and evaluates road decommissioning potential based on the level of sediment erosion and risk to fish and stream habitats. To remove, upgrade and/or stabilize logging haul roads, stream crossings, and to restore the natural landscape and drainage patterns of the watershed, we utilize as necessary heavy equipment (excavator, bulldozer, dump trucks, etc.). We also use hand labor to complete projects such as culvert installation, bio-engineering techniques, mulching, and planting. Through successful planning, implementation and management of watershed restoration and habitat protection programs for the past five years, the Karuk Tribe continues to demonstrate a long-term commitment and competency in assuming responsibility for these efforts.

We have invested heavily in both dollars and manpower towards in: stream enhancement, pollution control, and recovery efforts with the result that the Klamath is a much healthier river than it was before our active work was initiated. As Congressman Herger's testimony displays the legislative support we have attained from the Department of the Interior, State of California, local counties, and other groups. We have earned our place at the table and only Congressional action can help us attain that place.

The fishery we practice is an ancient and aboriginal fishery using techniques identical to those of centuries ago. Geographically, the salmon runs must survive the other in-stream tribal fish harvests before they reach the Karuk ancestral territory and our traditional fishing areas. Once those fish have traveled up the river, they are no longer of commercial value. Our fishermen take fish at Ishi Pishi falls using dip nets. All fishing is in accordance with strict tribal regulatory guidelines and in abidance with traditional practices and laws handed down from generation to generation. This fishery uses non-lethal methods, meaning the actual dipping of fish is not deadly, allowing for the release of species of concern such as coho salmon, which are currently listed as an Threatened Species. For the past 10 years, the Karuk Fisheries Division has provided harvest monitoring during the fishing season to count harvest numbers, obtain coded wire tags, and identify species for fisherman when necessary. Fishing at the falls is extremely dangerous and obviously not appropriate without extensive traditional training. Those who do practice the traditional fishery are responsible for harvesting fish for their families, community Elders and children, and the needy, as well as provide for the ceremonies hosted by the spiritual people. There is no comparison to the amount of Karuk harvested fish to the amount of juvenile salmon released from our hatcheries. The return of fish to the hatchery for spawning alone, has continually exceeded the fish harvested by the ceremonial and subsistence fishermen.

Our life on the river long predates the arrival of non-Indian people in Northern California. In ancient times, our villages occupied a long stretch of the canyon along the Klamath River from the upstream vicinity of Seiad and Hamburg down to below Bluff Creek at sites located within what today is the Hoopa Valley Reservation - an existence which has been reported and documented by every historian who has visited our area and worked with our people. Throughout this area from time immemorial, our people have harvested fish and other water-related creatures for ceremonial uses gifted by the Creator, as well as wood and clothing. The earliest anthropological studies of our tribe record our traditional catch as including chinook (or king) salmon, coho (or silver) salmon, steelhead, trout, suckers, bullheads and sturgeon, as well as Pacific lampreys. We have always made use of every part of what is harvested, a practice which underscores the importance of the river and its production to our culture.

The importance of our fishery at the falls to our people is demonstrated by the careful and traditional restrictions that are associated with it. Traditionally, the construction of the platforms and the use of lifting nets were governed by important strictures, for example: while building a fishing scaffold, the men could

not eat deer meat; if a man cutting scaffold poles heard a rattlesnake, he had to stop work immediately and could not return until the next day on which he did not hear the rattlesnake; no women could step on or over any part of the fishing platform or the plank running to the short; and, women and dogs were required to stay away from a fishing place during construction of the platform since bad luck would appear should they violate this principle.

It cannot be overstated that it is impossible to separate fishing at the Falls from the World Renewal Ceremonies. Published studies of the World Renewal Ceremony at the four most important historic and cultural Karuk sites are tied to the salmon runs in the Klamath River and the First Salmon Ceremony, one of the most important and ancient religious practices of our people. Our "renewing of the world" was to assure its stability between the seasonal observances. In spring, when the salmon start running, the Jump Dance is held at *amekiarram*, where salmon were mythically created. In the fall, at the time of the acorn harvest and second run of salmon, White Deerskin Dances were held at *katimin*, *inaam*, and *tishawnik*. These ceremonies involved activity by medicine men and women, as well as community display of wealth (through regalia and plentiful foods such as acorns and salmon), ceremonial dancing, and prayer.

Our ancient platform-lifting fishery an integral part of our history, continually handed down through the oral histories of the tribe and has been photographically documented for more than 120 years. As our culture continues to replenish within our people, as is evident in the revitalization of ceremonies at *amekiarram*, *tishawnik*, *inaam* and *panamnik* over the past decade, the exercise of the fishery without complications and disruptive issues is essential.

As displayed through the information presented today, this fishery is clearly traditional and cultural in nature. Although in the past, the Department of the Interior had issued a Solicitor's Opinion that simply described a finding of no ratified treaties, federal statutes or executive orders claiming that the Karuk fishery is conducted as a federally reserved fishing right, the tribe has continued the practice and has never ceded that right. As a result not having this legislation currently in place, the California Fish and Game Commission can only adopt regulations in which acknowledge the presence of the Karuk Fishery on the river, and prohibit non-native fishermen from fishing in our traditional harvest areas. Without this desperately needed be accurately accounted for and included in the complex calculations required for allocation and harvest management. Even though the Karuk Tribe has continued to manage the fishery resource and regulate our fishermen, without this legislation, the information and data is not beneficial if it continues to be ignored. It is clear that the state neither has nor wants jurisdiction over the Karuk fishery. In addition, it is politically unacceptable to all parties for a tribal fishery to be allocated fish out of non-tribal allocation. The current Klamath River tribal allocation of 50 percent of the allowable harvest must include the Karuk Fishery, and appropriately account for Karuk harvest impacts. All inter-tribal allocation and management issues relating to this legislation can be and shall be addressed at the Klamath River Basin Inter-Tribal Fish and Water Commission.

This legislation is not intended to "establish" or create a "new" Karuk fishery or fishing right, this legislation simply acknowledges and recognizes a ceremonial and subsistence fishery that has continued to exist, uninterrupted since time immemorial. With great respect, I ask the Committee to carefully review this information and give favorable consideration to the legislation. This is a critical resources management issue and is necessary for the past due, but previously approved, seat for Karuk representative on the Klamath Fisheries Management Council, and clarification of the Karuks as a federally managed traditional fishing tribe on the Klamath River.

Finally, attached to this testimony is a series of photographs of Karuk fishermen practicing the tribal fishery.

The oldest was taken in 1898 and the newest is less than 50 years old, but you will see that the methods of taking fish have been unchanged. We have not changed our practices for the sake of political expediency - this is the way we always have fished and it is the way we shall continue to fish. Mr. Chairman, on behalf of the Karuk people, I urge this Committee to favorably act on the legislation before you today and thank you for your thoughtful consideration.

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